

**MEMO ENDORSED**

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October 12, 2011

BY FACSIMILE (212) 805-7949

Hon. P. Kevin Castel  
United States District Court Judge  
500 Pearl Street  
New York, NY 10007-1312

*Application  
granted.  
SO ORDERED  
SJB/jt  
10-13-11*

Re: GoSMILE, Inc. v. Dr. Jonathan B. Levine, D.M.D., P.C. and Dr. Jonathan B. Levine, 10-CIV-8663 (PKC) (DCF)

Dear Judge Castel:

This firm represents Defendants in this matter. We write to request that the Court extend the deadline for Defendants to submit their opposition to Plaintiff's motion to dismiss and their own motion for attorneys' fees from Friday, October 14, 2011 to Wednesday, October 19, 2011. As a result, we also request comparable extensions of time for remaining briefing on these motions such that Plaintiff's time to reply be extended from October 28, 2011 to November 2, 2011 and Defendants' reply on their attorneys' fees motion be extended from November 4, 2011 to November 9, 2011. Counsel for Plaintiff consents to this request.

The reason for the requested adjournment is that three religious holidays—Rosh Hashanah, Yom Kippur and Sukkot—all fell within the last two weeks during Defendants' time to oppose Plaintiff's motion. In addition, Defendants' opposition and cross-motion are presently due on Sukkot, which begins this evening. A number of Defendants' attorneys and client principals observe these holidays.

No previous request for an adjournment of this deadline has been made by either party.

We have not attached a proposed Revised Case Management Plan and Scheduling Order because we do not anticipate this adjournment affecting any other scheduled dates. However, we will submit a proposed Revised Case Management Plan and Scheduling Order if the Court so desires.

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We thank the Court for its consideration of this matter.

Respectfully submitted,



Kyle C. Bisceglie

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TOTAL P.03